

## **EXHIBIT "A"**

Robert Kestel  
1715 The Hideout  
Lake Ariel, PA 18436

Plaintiff  
v.

Client Services, Inc.  
3451 Harry S. Truman, Blvd.  
St. Charles, MO 63301

Court of Common Pleas of Wayne County  
- Civil Action

Case No. 3-CV-2018

Defendant

Jury Trial Demanded

**NOTICE**

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claim set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by an attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED RATE OR NO FEE.

North Penn Legal Services  
925 Court Street  
Honesdale, PA 18431  
(877) 515-7465

CERTIFIED FROM  
THE RECORD

JAN 03 2018

EDWARD G SANDERCOCK  
PROTHONOTARY & CLERK

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WAYNE COUNTY, PA  
CLERK OF COURTS  
PROTHONOTARY AND

Robert Kestel, v. Client Services, Inc.,	Plaintiff Defendant	Court of Common Pleas of Wayne County - Civil Action Case No. <u>3</u> -CV- <u>2018</u> Jury Trial Demanded
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**COMPLAINT**

## I. Introduction

1. This is an action for damages brought by an individual consumer for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. ("the Act") which prohibits debt collectors from engaging in abusive, unfair, and deceptive practices.

## **II. Jurisdiction**

2. Jurisdiction of this Court is proper pursuant to 15 U.S.C. § 1692k(d), which permits an action under the Act to be brought in any court of competent jurisdiction.

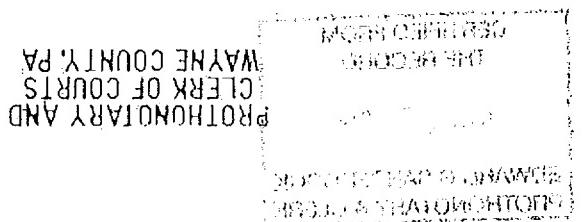
3. Venue in this district is proper in that Defendant transacts business here and the conduct complained of is alleged to have occurred here.

### **III. Parties**

4. Plaintiff, Robert Kestel, is a natural person residing at 1715 The Hideout, Lake Ariel, PA 18436.

5. Defendant, Client Services, Inc., ("CSI") is a corporation engaged in the business of collecting debts in this state with a place of business located at 3451 Harry S. Truman, Blvd., St. Charles, MO 63301 and is a "debt collector" as defined by the Act, 15 U.S.C. § 1692a(6).

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#### IV. Statement of Claim

6. Within the past year CSI was attempting to collect from Plaintiff an alleged account that was identified by a number ending in 4627 ("the Account").

7. The Account is a "debt" as that term is defined by the Act, 15 U.S.C. § 1692a(5).

8. CSI regularly uses the mails to attempt to collect consumer debts alleged to be due another.

9. On or about February 13, 2017, CSI caused to be mailed a letter addressed to Plaintiff.

10. A true and correct copy of the letter is attached as Exhibit A. (Redacted to ensure financial privacy).

11. The letter was an attempt to collect the Account.

12. The letter stated, *inter alia*:

If we are unable to arrange repayment Capital One will send your account to an attorney in your state for possible legal action. Please note, no decision has been made to take legal action against you at this time. If a lawsuit is filed, you'll have the opportunity at any court hearing to raise applicable defenses or property exemptions. I want to help you avoid any possible legal action. Please call . . . for more information.

13. The statement in the above paragraph violates the Act.  
14. First, it encourages the Plaintiff to *call* "for more information."  
15. A consumer who disputes a debt could believe that an oral dispute would be the fastest and simplest way to lodge the dispute.

16. However, an oral dispute is "not a legally effective alternative for disputing the debt." *Caprio v HRRG, LLC*, 709 F.3d, 142, 151 (3d Cir. 2013). 30 JUN 2017  
CLERK OF COURTS  
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WAYNE COUNTY, PA

17. The statement in ¶ 12 violates the Act in a second way as well.

18. In *Muharemovic v. Client Services, Inc.*, 2017 WL 6316827 (E.D. Mo.

December 11, 2017), the court considered the exact same language which Defendant had employed in a form letter to a different consumer.

19. There, the court held that an unsophisticated consumer could be confused by this language.

20. Specifically, the court stated:

In addition, listing limited legal options for the debtor in the event of litigation – i.e., raising “applicable defenses or property exemptions” at a court hearing – could reasonably lead an unsophisticated debtor to believe that those are his only options or that he would be in over his head if he were not to remit payment on the debt. . . . I find this to sufficiently state a claim of deceptive means in an attempt to collect a debt.

21. This analysis applies with equal force to the letter that Defendant mailed to Plaintiff here.

22. Defendant should be collaterally estopped from re-litigating this issue here.

23. Finally, Defendant’s representation that Capital One would refer his account for possible legal action was false and deceptive because Client Services does not have authority to speak on behalf of Capital One. This allegation is likely to have evidentiary support after a reasonable opportunity for discovery.

24. Defendant violated the Act, 15 U.S.C. § 1692, e, e(10), and g.

WHEREFORE, Plaintiff demands judgment against Defendant for damages,

costs, attorney's fees, and such other and further relief as the Court deems just and proper.

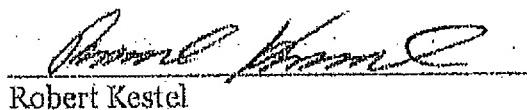
Respectfully Submitted,



Carlo Sabatini  
Bar Number PA 83831  
Attorney for Plaintiff  
Sabatini Law Firm, LLC  
216 N. Blakely St.  
Dunmore, PA 18512  
Phone (570) 341-9000

Verification by Plaintiff Robert Kestel

I affirm that the averments of fact contained in this pleading are true upon my personal knowledge or information and belief.

  
Robert Kestel

## Exhibit A

(Letter dated 2/13/2017)



3451 Harry S Truman Blvd.  
Saint Charles, MO 63301-4047

CREDITOR: CAPITAL ONE BANK (USA), N.A.  
ACCOUNT NUMBER: XXXXXXXXXXXX7818  
BALANCE DUE: \$3,628.39  
REFERENCE NUMBER: [REDACTED] 4627

Office Hours (Central Time)  
Monday-Thursday: 8am-8pm  
Friday: 7am-6pm  
Saturday: 7am-11am  
Sunday: Closed

PHONE: 877-665-3303

DATE: 2/13/2017

**NEW INFORMATION ON YOUR ACCOUNT**

Dear Valued Customer:

The above CAPITAL ONE BANK (USA), N.A. account has been placed with our organization for collections.

Balance Due At Charge-Off:	3,628.39
Interest:	0.00
Other Charges:	0.00
Payments Made:	0.00
<b>Current Balance:</b>	<b>3,628.39</b>

Unless you notify our office within thirty (30) days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within thirty (30) days from receiving this notice that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request of this office in writing within thirty (30) days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

Please note, we have many payment options that may meet your individual needs. If we are unable to arrange repayment, Capital One will send your account to an attorney in your state for possible legal action. Please note, no decision has been made to take legal action against you at this time. If a lawsuit is filed, you'll have the opportunity at any court hearing to raise applicable defenses or properly exemptions. I want to help you avoid any possible legal action. Please call me at 877-665-3303 for more information. I look forward to working with you to resolve this balance.

Joshua Pinkowski  
Client Services, Inc.

**THIS COMMUNICATION IS FROM A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT.  
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

**FOR IMPORTANT RIGHTS AND PRIVILEGES WHICH MIGHT APPLY TO YOUR STATE OF RESIDENCE,  
PLEASE SEE BELOW OR REVERSE SIDE (IF FAXED THEN FOLLOWING PAGE).**

PO Box 1586  
Saint Peters, MO 63376

REFERENCE NUMBER: [REDACTED] 4627

AMOUNT ENCLOSED



Checks Payable To: Client Services, Inc.

**REMIT TO:**

CLIENT SERVICES, INC.  
3451 HARRY S. TRUMAN BLVD  
ST. CHARLES MO 63301-4047

[REDACTED]  
ROBERT S KESTEL  
PO BOX 1143  
MEDFORD NY 11763-0909

**CALIFORNIA**

The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8:00 a.m. or after 9:00 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or [www.ftc.gov](http://www.ftc.gov). Non profit credit counseling services may be available in the area.

**COLORADO**

FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE [WWW.COAG.GOV/CAR](http://WWW.COAG.GOV/CAR). A consumer has the right to request in writing that a debt collector or collection agency cease further communication with the consumer. A written request to cease communication will not prohibit the debt collector or collection agency from taking any other action authorized by law to collect the debt. The address and telephone number for Client Services, Inc.'s local Colorado office is: The Executive Building, Attn: Stokes & Wolf, P.C. as agent for Client Services, Inc., 1776 S. Jackson St., Suite 900 Denver, CO 80210 (TEL: (303) 753-0945).

**KANSAS**

An investigative consumer report, which includes information as to your character, general reputation, personal characteristics and mode of living, has been requested. You have the right to request additional information, which includes the nature and scope of the investigation.

**MASSACHUSETTS**

**NOTICE OF IMPORTANT RIGHTS:** You have the right to make a written or oral request that telephone calls regarding your debt not be made to you at your place of employment. Any such oral request will be valid for only ten days unless you provide written confirmation of the request postmarked or delivered within seven days of such request. You may terminate this request by writing to the debt collector.

**MINNESOTA**

This collection agency is licensed by the Minnesota Department of Commerce.

**NEW YORK**

In accordance with the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq., debt collectors are prohibited from engaging in abusive, deceptive, and unfair debt collection efforts, including but not limited to: the use or threat of violence, the use of obscene or profane language, and repeated phone calls made with the intent to annoy, abuse, or harass. If a creditor or debt collector receives a money judgment against you in court, state and federal laws may prevent the following types of income from being taken to pay the debt: supplemental security income (SSI), social security, public assistance (welfare), spousal support including maintenance (alimony) or child support, unemployment benefits, disability benefits, workers' compensation benefits, public or private pensions, veterans' benefits, federal student loans, federal student grants, federal work study funds, and ninety percent of your wages or salary earned in the last sixty days.

**NEW YORK CITY**

New York City Department of Consumer Affairs License Number: 1306512

**NORTH CAROLINA**

North Carolina Permit Number: 100705

**TENNESSEE**

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ACCOUNT NUMBER: XXXXXXXXXXXX7618

BALANCE DUE: \$3,628.39

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**Office Hours (Central Time)**  
**Monday-Thursday: 8am-8pm**  
**Friday: 7am-5pm**  
**Saturday: 7am-11am**  
**Sunday: Closed**

**PHONE: 877-666-3303**

**DATE: 2/13/2017**

**NEW INFORMATION ON YOUR ACCOUNT**

[REDACTED]

[REDACTED]

	Send your payment in the enclosed envelope using the remittance coupon below.		Online: <a href="http://www.osiconsumercenter.com">www.osiconsumercenter.com</a>
	Pay-by-Phone: 1-877-662-5806		If you are unable to pay the balance in full, contact our office at 877-666-3303 for payment options, which may be available to you.

REFERENCE NUMBER: [REDACTED] 4627

AMOUNT ENCLOSED

PO Box 1588  
Saint Peters, MO 63376

Checks Payable To: Client Services, Inc.

REMIT TO:

CLIENT SERVICES, INC.  
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ST. CHARLES MO 63301-4047



ROBERT S KESTEL  
PO BOX 1143  
MEDFORD NY 11763-0909  
[REDACTED]



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